

ORDINANCE NO. 2003 - 029

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING PALM BEACH COUNTY CODE CHAPTER 4, SECTION 24, (ORDINANCE NO. 98-22), PERTAINING TO ANIMAL CARE MANNER OF KEEPING; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR SAVINGS CLAUSE; PROVIDING FOR PENALTY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, tethering or chaining of dogs continuously creates an environment which is unnatural and potentially unsafe; and

WHEREAS, tethered dogs are not given the opportunity to socialize or bond with their caregivers; and

WHEREAS, tethered dogs are more likely to become territorial which leads to aggressive or defensive behavior towards humans; and

WHEREAS, the heat in South Florida creates an inhospitable and inhumane environment for dogs left tethered outdoors without careful monitoring of the temperature, shade available and water supply; and

WHEREAS, each year hundreds of dogs die from heat or sunstroke when leaving dogs unattended while tethered or chained.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

Section 1. Chapter 4, Section 24 of the Palm Beach County Code entitled, "Animal care; manner of keeping", is hereby amended as follows:

(d) Animals maintained on a tether must be in an area free of objects that may cause entanglements. All tethers must be a minimum of six (6) feet in length and longer if appropriate for the breed (i.e., Irish Wolfhound, Borzoi, Great Dane, St. Bernard, etc.). ~~"Choker"~~ Choke type or prong type collars shall ~~not be used for animals maintained on a tether.~~ only while the animal is under the handler's direct control. Between the hours of 10:00 am and 5:00 pm, animals shall not be on a tether outdoors.

Section 2. REPEAL OF LAWS IN CONFLICT:

All local laws and ordinances in conflict with any provisions of this Ordinance are hereby repealed to the extent of such conflict.

1 **Section 3. SEVERABILITY:**

2 If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason
3 held by the Court to be unconstitutional, inoperative, or void, such holding shall not affect the
4 remainder of this Ordinance.

5 **Section 4. SAVINGS CLAUSE:**

6 The provisions of the repealed ordinances are reenacted herein and shall continue in full force
7 and effect without interruption with such modifications as contained in this Ordinance. This
8 Ordinance is a continuation of the former ordinances and all rights and liabilities under the former
9 ordinances are preserved and may be enforced.

10 **Section 5. PENALTY:**

11 Any person convicted of violating any portion of this Ordinance shall be punishable as
12 provided by law.

13 **Section 6. INCLUSION IN THE CODE OF LAWS AND ORDINANCES:**

14 The provisions of this Ordinance shall become and be made a part of the Code of Laws and
15 Ordinances of Palm Beach County, Florida. The sections of this Ordinance may be renumbered or
16 relettered to accomplish such, and the word "ordinance" may be changed to "section", "article", or
17 other appropriate word.

18 **Section 7. EFFECTIVE DATE:**

19 The provisions of this Ordinance shall become effective upon filing with the Department of
20 State.

21 APPROVED and ADOPTED by the Board of County Commissioners of Palm Beach County,
22 Florida, on this the 19 day of August, 2003.

23 DOROTHY H. WILKEN, CLERK

24 PALM BEACH COUNTY, FLORIDA, BY ITS
25 BOARD OF COUNTY COMMISSIONERS

26 By: 

26 By: 

26 Karen T. Marcus, Chair

27 APPROVED AS TO FORM AND
28 LEGAL SUFFICIENCY

29 By: 

30 County Attorney

31 EFFECTIVE DATE: Filed with the Department of State on the 28 day of Aug., 20 03.